

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BOBBIE E. POLLAK,

Plaintiff,

v.

TRANSCEND SERVICES, INC.,

Defendant.

Case No.: 15CV2680 BEN (JLB)

**ORDER GRANTING JOINT
MOTION FOR APPROVAL OF
SETTLEMENT AGREEMENT AND
RELEASE**

[Docket No. 18]

The parties have filed a Joint Motion for Approval of Settlement Agreement and Release. (Docket No. 18). Because Plaintiff's action arises under the Fair Labor Standards Act ("FLSA"), the parties must obtain this Court's approval of the settlement. On March 21, 2016, the Court ordered the parties to file a joint brief providing the Court documentation and explanation in support of the requested attorney's fees and costs and addressing Plaintiff's range of possible recovery had she succeeded at trial in this matter. (Docket No. 20.) The parties timely filed the joint brief. (Docket No. 22.)

The Court has reviewed the parties Motion, Settlement Agreement, supplemental briefing and documentation of attorneys' fees and costs and approves the parties' settlement.

Under the proposed settlement, Defendants agreed Plaintiff will receive \$1,928.49 for allegedly unpaid compensation; \$1,927.49 in liquidated damages; and \$1 is provided for a general release of all claims she may have against Transcend. The total amount

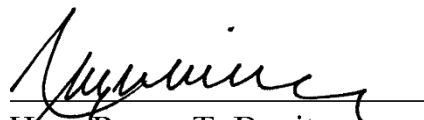
1 paid to Plaintiff is \$3,856.98. The Parties believe these amounts reflect a fair and
 2 reasonable resolution of this dispute. The proposed settlement also provides Plaintiff's
 3 counsel with \$3,643.02 for attorneys' fees and cost. Although the Court was initially
 4 concerned about the proportion of the settlement allocated to attorneys' fees and costs,
 5 the documentation provided with the supplemental briefing supports the allocation.
 6 Specifically, the supplemental briefing reflects that a significant portion of that allocation
 7 is attributable to reasonable costs Plaintiff agreed to pay as part of the contingency fee
 8 agreement. Additionally, the attorneys' fee award is in conformance with the
 9 contingency fee agreement and appropriate given the experience of counsel and hours
 10 expended on the case.

11 The record before the Court reflects that the settlement was based, in part, on
 12 extensive discovery completed in an underlying decertified putative collective action,
 13 *Cosentino v. Transcend Servs. Inc.*, Case No. 1:12-cv-3627 (N.D. Ill.). The parties have
 14 also exchanged documents and information specific to Plaintiff, including time records
 15 and Transcend's policies for transcriptionists. The supplemental briefing addressing the
 16 strengths and weaknesses of Plaintiff's case and her likelihood of recovery also support
 17 the reasonableness of the settlement. The Court finds the settlement is a fair and
 18 reasonable resolution of this action.

19 The Joint Motion for Approval of Settlement Agreement and Release is
 20 **GRANTED** and this action is **DISMISSED with prejudice**. At the parties' request, the
 21 Court will retain jurisdiction over this matter for the purpose of enforcing the Settlement
 22 Agreement. The Clerk shall enter Judgment dismissing this action with prejudice.

23 **IT IS SO ORDERED.**

24 Dated: April 7, 2016

25 
 26 Hon. Roger T. Benitez
 27 United States District Judge